

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. Applicant would also like to thank Examiner Sayed T. Zewari, in particular, for conducting an interview with applicant's counsel on April 19, 2007. The application has been carefully reviewed in light of the Office action and the following remarks are presented for the Examiner's consideration in light of the interview.

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,549,789 to Kfoury (hereinafter "Kfoury") in view of U.S. Patent No. 6,965,413 to Wada (hereinafter "Wada"). For at least the following reasons, the Examiner's rejection is respectfully traversed.

With regard to claim 1, the Office action stated that Kfoury does not disclose a cover member, "which covers the first rotating member and the second rotating member" and "is fixed to the first rotating member", but that Wada discloses it. Contrary to this assertion and as discussed in the interview, Wada does not disclose such a cover member. As shown in FIG. 4 of Wada, the hinge portion is made up of a rotatable central bearing 8c (col. 3, lns. 23-25) and a rotatable pipe 8h (col. 3, lns. 28-30) but no cover member that covers these rotating members is disclosed. If Wada and Kfoury were combined, Wada would, contrary to the Office action, not provide the cover member that is missing from Kfoury but instead would replace a swivel hinge 214 with the central bearing 8c and the pipe 8h. Since the cover member would still be missing despite the combination, the 103(a) rejection was improper.

With further regard to claim 1, there is no basis for stating that the swivel hinge 214 of Kfoury houses two rotating members. The present application describes, in FIGS. 6-8, a structure in which a first rotating member 125 (FIG. 7) can rotate about an axis extending between hinge mounting portions 101c and 101d. In FIG. 7, a front cover 141 and a rear cover 142 rotate along with the first rotating member 125 because fastening screws 143 inserted through holes 141b and 142b and screw holes 125e of the first rotating member 125 attach them to the first rotating member 125. Moreover, a second rotating member 126 will rotate about the same axis or the longitudinal axis of the first rotating member 125 when the first rotating member 125 rotates. The second rotating member 126 also pivotably fits into a supporting portion 125b of the first rotating

member 125 so that it can rotate about its own longitudinal axis. Contrastingly, there is no discussion in Kfoury about rotating members. Instead, the rotation of a first housing portion 202 and a second housing portion 204 relative to the swivel hinge 214 is possible even if the swivel hinge 214, as shown in FIG. 4, is an element without rotating members. For example, it is possible for the first housing portion 202 to have openings that pivotally engage the horizontal, cylindrical protrusions in FIG. 3 so that the first housing portion can rotate about a first axis 302 even if the swivel hinge 214 does not have a member rotating about the first axis 302. Moreover, the second housing portion 204 can have an opening that is pivotally coupled to the vertical, cylinder neck in FIG. 3 so that the second housing portion 204 can rotate about a second axis 304 even if the swivel hinge 214 does not have a member rotating about the second axis 304. The description of Kfoury simply states that the first housing portion 302 and second housing portion 304 rotate about the first axis 302 and the second axis 304 respectively and adds nothing further (col. 4, lns. 52-64 and col. 5, lns. 13-45). The rotation of the housing portions 202 and 204 is in fact made possible by the shape of the swivel hinge 214 and, therefore, it is incorrect to state that Kfoury disclose rotating members. Even if the argument were that the swivel hinge 214 constituted a rotating member, an additional rotating member and a cover member would still be missing. Simply put, there is no basis for interpreting that rotating members are part of the swivel hinge 214 of Kfoury and the absence of rotating members in Kfoury is further strengthened by the fact that the Office action failed to specify which element corresponds to each rotating member.

With even further regard to claim 1, as discussed in the interview, none of the references cited discloses “a cable derived from the one casing member” that “extends in the first rotating member along an axis direction of the first rotating member” and “is derived from one end portion of the first rotating member to insert into the other casing member.” As to Kfoury, it discloses a flex circuit 306 but does not disclose a cable. The Office action concludes that a flex circuit and a cable are the same without explaining why. As to Wada, cable 16 does not disclose the limitation because it is routed in a different manner and can become exposed, and even break, when lid portion 3 is rotated with respect to case main body 2 beyond a certain angle. It is to be noted that Wada does not contemplate restricting the rotating movement of lid portion 3.

With regard to claim 2, the Office action took official notice that the concept and use of a rotating movement restricting member in folding/rotating type of housings are well-known and expected in the art. As pointed out during the interview, according to MPEP § 2144.03, official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be “capable of such instant and unquestionable demonstration as to defy dispute.” The applicant wonders how common a rotating movement restricting member can be when the idea of restricting rotating movement itself is absent from the references cited.

The Office action further asserts that it would be obvious to one of ordinary skill in the art to combine a rotating movement restricting member with Kfoury in order to provide a method of controlling the movement of the folding/rotating parts of a cell phone to a desired limit. There is no motivation to combine a rotating movement restricting member with Kfoury because, again, no reference cited by the Examiner contemplates the restriction of rotating movements. Moreover, because Kfoury does not disclose the inner structure of a swivel hinge 214, the prior art does not teach how the rotating movement restricting member can be incorporated into the swivel hinge 214 of Kfoury. The assertion that the combination is obvious is baseless and empowers a person of ordinary skill in the art with more abilities than is warranted.

Finally, Kfoury and Wada do not teach or suggest all the claim limitations because specific limitations such as a rotating movement restricting member “which restricts both the rotating movement in which the first rotating member as the axis and the rotating movement in which the second rotating member serves as the axis” are not disclosed.

With regard to claim 3, the references cited in the Office action do not disclose stable conditions of the communication terminal that is restricted by the rotating movement restricting member.

With regard to claim 4, the references cited in the Office action do not contemplate restriction of rotating movements.

With regard to claim 6, neither Kfoury nor Wada disclose a communication terminal having a second display unit on another plane opposite the plane of the first display unit that is capable of displaying a picture photographed by a camera unit. Kfoury discloses neither a camera incorporated into a communication terminal nor a second display unit opposite the plane of the first display unit while Wada does not disclose a second display unit.

With regard to claim 7, the rejection is respectfully traversed for the reasons regarding claims 1 through 6.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury in view of Wada and further in view of well-known prior art. The Examiner's rejection is respectfully traversed for at least the following reasons.

With regard to claim 5, the references cited in the Office action do not disclose or contemplate using a cover member as discussed above. In addition, as pointed out during the interview, the concept of a fastening screw that "is covered by the casing members under both the folded condition and the first opened condition" and "is exposed in the second opened condition" is a limitation that contributes, among other things, to the aesthetics of the opening/closing type communication terminal. Applicant believes that, although an official notice may demonstrate the use of a fastening screw, it cannot show this particular aspect of covering/exposing the screw as to satisfy the standard of "instant and unquestionable demonstration as to defy dispute." Therefore, the assertion in the Office action regarding the use of a fastening screw is moot.

In conclusion, the references cited in the Office action fail to disclose all of the limitations of claim 1 and its dependent claims. Therefore, the rejection under 35 U.S.C. 103(a) was improper.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 37863.

Respectfully submitted,

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